

GEORGIA STATE BOARD OF VETERINARY MEDICINE

Board Meeting Minutes Professional Licensing Boards 237 Coliseum Drive, Macon, GA December 5, 2012 9:30 a.m.

Board Members Present

Edsel Davis, President
Beckey Malphus
Henry Bohn
John Sundstrom
Larry Corry
Jeff Smith, Consumer Member

Staff Present

Amelia Baker, Assistant Attorney General
Tanja Battle, Executive Director
Tamara Elliott, Board Support Specialist

Visitors Present:

Anji R. Bodana
Betsy Choder

Open Session

Dr. Davis established a quorum and called the meeting to order at 9:35am.

Introduction of Visitors

Dr. Davis allowed for introduction of the visitors.

Approval of Minutes from the October 31, 2012 Board Meeting

Amelia Baker suggested changes to the minutes in reference to Dr. Bodana's correspondence. Dr. Malphus made a motion to approve the Board minutes as amended. Dr. Sundstrom seconded the motion and the Board voted unanimously in favor of the motion.

Report of Licenses Issued October 24-November 26, 2012

Dr. Malphus made a motion, Dr. Bohn seconded and the Board voted unanimously to ratify the report of licenses issued October 24-November 26, 2012.

Correspondence from Dr. Anji Reddy Bodana

Dr. Bodana addressed the Board regarding his request to have his probation lifted. The Board and Dr. Bodana discussed his supervised hours at three different clinics. Dr. Malphus asked what his plans are if the probation is lifted and Dr. Bodana response was to get a job at a clinic. Dr. Bodana indicated that he completed the required continuing education.

Rules Discussions:

Dr. Malphus made a motion, Dr. Bohn Seconded and the Board voted unanimously to post Rule 700-11-01 amended as follows:

700-11-.01 Inactive Status.

(1) A veterinarian or veterinary technician who wishes to discontinue the practice of veterinary medicine may apply for an “inactive license.” A veterinarian or veterinary technician holding an “inactive license” may not practice.

(2) A Doctor of Veterinary Medicine or a veterinary technician who holds a valid current active license to practice Veterinary Medicine as a veterinarian or veterinary technician in the State of Georgia may request the license be placed on inactive status under the following provisions:

(a) The Board receives a written request from the licensee requesting inactive status. The written request shall contain the notarized signature of the licensee and contain the following statements:

1. “I understand that with an inactive license I shall not engage in the practice of veterinary medicine as a veterinarian or veterinary technician and shall not hold myself out to the public as being available to provide veterinary services.”
2. “I understand that I am not required to renew said license while on inactive status.”
3. “I understand I am not required to obtain the continuing education credits while on inactive status unless I request to be placed on active status.”
4. “I understand that to practice or to hold oneself out as available to practice veterinary medicine with an inactive license is unlicensed practice and I would be subject to disciplinary action.”

(b) A Doctor of Veterinary Medicine or veterinary technician holding an inactive license may seek active status.

To reinstate the license to active status the licensee must:

1. Submit a written request for reinstatement of said inactive license.
2. Submit proof of attendance at not less than 30 hours of Board approved continuing education within two years of the date of the request to reinstate.
3. Provide evidence acceptable to the Board that the licensee has not had a license revoked, suspended, disciplined or otherwise sanctioned in any other jurisdiction that ever issued a license to practice.
4. Provide evidence acceptable to the Board that licensee has not been convicted of a felony or any crime involving moral turpitude.
5. Pay the reinstatement fee, as determined by the Board in the fee schedule.

Dr. Malphus made a motion, Dr. Corry seconded and the Board voted unanimously to accept the economic impact statement as follows:

The formulation and adoption of this amendment does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amended rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-1-22, 43-1-25, 43-50-21 and 43-50-40 and that it is not legal or feasible to meet the objectives of §§ 43-1-22, 43-1-25, 43-50-21 and 43-50-40 to adopt or implement differing actions for businesses as listed at O.C.G.A§ 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of veterinary medicine.

Dr. Malphus made a motion, Mr. Smith Seconded and the Board voted unanimously to post Rule 700-6-.01 amended as follows:

700-6-.01 Application for Registration of Veterinary Technicians.

(1) Application for registration of Veterinary Technicians shall be made on forms

furnished by the Georgia Board of Veterinary Medicine.

(2) All applicants shall meet the following requirements as provided in Code Section 43-50-52 of the Georgia Veterinary Practice Act:

(a) The applicant has attained the age of 18;

(b) The applicant is of good moral character; and

(c) The applicant is a graduate of a Veterinary Technician program approved by the American Veterinary Medical Association, however, the Board will review all other programs on an individual basis.

(d) If licensed in another state(s) with registration requirements substantially the same as this state, which were in effect at the time the applicant was first admitted to practice in the other state(s), provide verification of licensure from that state(s);

(e) The applicant has paid all applicable fees.

(3) All applicants for registration must present proof of having obtained a passing scaled score of at least 425 where the scores range from 200-800 or a passing score of at least 75 when the range is from 0-100 on the National Veterinary Technician Examination or other examination similar in nature and scope as the Board from time to time will adopt.

(a) Such previous scores must be reported to the Georgia Board of Veterinary Medicine by the Interstate Reporting Service.

(b) Candidates desiring to transfer scores must pay all applicable fees.

(4) No person shall take the examination more than three times without review and approval by the Board. Approval may be provided under such circumstances, as the board deems appropriate.

(5) Registrations shall be renewable biennially by December 31 of the year in which registration expires.

(a) Registration must be renewed within one year after expiration date with the payment of the renewal and late fees. Failure to comply voids registration.

Dr. Malphus made a motion, Dr. Corry seconded and the Board voted unanimously to accept the economic impact statement as follows:

The formulation and adoption of this amendment does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amended rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-1- 25, 43-50-21, 43-50-52 and 43-50-53. Also, that it is not legal or feasible to meet the objectives of §§ 43-1- 25, 43-50-21, 43-50-52 and 43-50-53 to adopt or implement differing actions for businesses as listed at O.C.G.A§ 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of veterinary medicine.

Dr. Malphus made a motion, Dr. Sundstrom Seconded and the Board voted unanimously to post the Rule 700-8-.01 amended as follows:

700-8-.01 Unprofessional Conduct.

Within the meaning of Ga. Code subsection 43-50-21(a)(7), unprofessional conduct means:

(a) Advertising – defined: Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or registrant. Advertising shall include but not be limited to, a communication, published or displayed through the use of newspaper, internet, telephone directory, pamphlets or handouts, radio, television, signs, billboard, window display or any other means of medium.

1. A licensee or registrant shall not make any false, misleading or deceptive communication in any form of advertising.

2. Advertisement of prices must contain a complete description of veterinary services included in any advertised price and disclosure of any extra charges that may be required to serve the consumer's needs.

(b) Professional Relationships:

1. It shall be unprofessional conduct for a licensee or registrant without just cause and in bad faith or for the purpose of soliciting patronage or personal pecuniary gain to disparage the profession or professional capabilities of another licensee or registrant.

2. It shall be unprofessional conduct to aid any person, firm, or corporation to engage in the unauthorized practice of veterinary medicine.

3. It shall be unprofessional conduct for a licensee or registrant to guarantee a cure or to offer his name in a commercial setting in a testimonial as to virtues of proprietary remedies or foods.

4. Consultation by an attending veterinarian with other veterinarians expert in the particular matter on which consultation is sought is in the public interest and thus is expected of the attending veterinarian when the need arises. But such consultation is discouraged if the consulting veterinarian employs the relationship so created to disparage the attending veterinarian or to solicit business; such practices are not in the public interest.

(i) It shall therefore be unprofessional conduct for a licensee called as a consulting veterinarian to disparage in the presence of the client the competence of the attending veterinarian. The Board does, however, expect any incompetence or negligence to be reported to it and nothing in this rule prohibits such reports or the giving of testimony in public or private litigation.

(ii) It shall be unprofessional conduct for a consulting veterinarian to assume unauthorized control of the case or to utilize the consulting relationship to solicit business for himself or others.

5. It shall be unprofessional conduct for a licensee employed to render professional advice by one party in negotiations concerning the sale of an animal to accept a fee from the other party.

(c) Failure to Maintain Patient Records:

1. A veterinarian shall prepare and maintain a record reflecting the care and treatment of animals treated.

2. These records shall contain clinical information sufficient to justify the diagnosis and warrant treatment and shall, if applicable, include but not be limited to the following information:

(i) Name, address and telephone number of the animal's owner;

(ii) Name of attending veterinarian and staff rendering care;

(iii) Patient identification, including name, ages, sex and breed;

(iv) Dates of examination, treatment and custody of the animal;

(v) Patient history;

(vi) Presenting complaint;

(vii) Vaccination history;

(viii) Findings from physical examination, including temperature and weight;

(ix) Clinical lab reports, if applicable;

(x) Medication and treatment, including frequency;

(xi) Anesthetic, including type and amount, if applicable;

(xii) Details of surgical procedure with complications and/or abnormalities noted, if applicable;

(xiii) Progress and disposition of the case;

(xiv) Differential diagnoses; and

(xv) X-rays if applicable.

3. All records shall be kept in a readily retrievable form, shall be recorded contemporaneously, and shall be filed promptly following treatment.

4. Patient records shall be kept by a veterinarian for three (3) years after a patient's last visit, notwithstanding any other provisions of law.

5. ~~All records are the sole property of the veterinarian; however, e~~Copies of patient records must be made available to the owner of the animal upon their written request to the veterinarian who treated the animal or to the veterinarian facility where the treatment was provided. Such records must be made available within ten (10) business days from request. The veterinarian may charge a reasonable charge for the search, retrieval, duplication and, if applicable, mailing of the patient records.

6. Failure to keep records as required by this subparagraph shall constitute a failure to conform to the minimal standards of acceptable and prevailing veterinary medical practice.

(d) Failure to have an appropriate Veterinarian/Client/Patient Relationship. An appropriate veterinarian/client/patient relationship will exist when:

1. The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client (owner or other caretaker) has agreed to follow the instructions of the veterinarian;

2. There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has seen the animal within the last twelve (12) months and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept; and

3. When the practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

(e) Prescription Drugs:

1. After a valid veterinary/client/patient relationship has been established, a veterinarian must make available, upon request, at a reasonable cost, a written prescription.

2. It is unlawful for a veterinarian to release, prescribe, and/or dispense any prescription drugs without having examined the animal and established a valid veterinary/client/patient relationship.

Dr. Malphus made a motion, Dr. Smith seconded and the Board voted unanimously to accept the economic impact statement as follows:

The formulation and adoption of this amendment does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amended rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-1-19, 43-1-25, 43-50-21, and 43-50-41. Also, that it is not legal or feasible to meet the objectives of §§ 43-1-19, 43-1-25, 43-50-21, and 43-50-41 to adopt or implement differing actions for businesses as listed at O.C.G.A § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of veterinary medicine.

Miscellaneous

Dr. Bohn discussed his findings on the veterinary technicians and veterinary assistants as it relates animal rehabilitation. Ms. Baker asked if all veterinary technicians have the skillset to do animal rehabilitation. Dr. Malphus emphasized that the veterinarian is ultimately responsible. Dr. Malphus further discussed the amount of significant danger there is with physical manipulation. Ms. Baker inquired about the use of anesthesia to which Dr. Malphus responded that such was not an issue in terms of rehabilitation. Ms. Baker addressed the need for language changes, listing specific equipment used, the practice of training veterinary technicians and assistants, and the term indirect supervision. Dr. Malphus suggests removing the “indirect supervision” from the proposed language. Dr. Bohn indicated he would research the matter of necessary equipment and revise the language accordingly.

Dr. Becky Malphus made a motion, Mr. Jeff Smith seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h)(2) and 43-1-2(k) to deliberate on enforcement matters and to receive information on investigative reports and the Assistant Attorney General’s report. Voting in favor of the motion were those present who included Dr. Edsel Davis Dr. Henry Bohn, Dr. Beckey Malphus, Dr. John Sundstrom, Dr. Larry Corry, and Mr. Jeff Smith

Executive Session

The Board discussed the following:

A. R. B.

Dr. Edsel Davis concluded Executive Session, in which no votes were taken and declared Open Session.

Open Session

VOTE:

Dr. Anji Reddy Bodana

Dr. Sundstrom made the motion to terminate probation on Dr. Bodana's license, Mr. Smith seconded and the majority of the Board voted in favor of the motion. Dr. Corry opposed the motion.

Dr. Henry Bohn made a motion, Dr. Jeff Smith seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h)(2), and 43-1-2(k) to deliberate on enforcement matters and to receive information on investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Edsel Davis Dr. Henry Bohn, Dr. Beckey Malphus, Dr. John Sundstrom, Dr. Larry Corry, and Mr. Jeff Smith

Executive Session

The Board discussed the following:

Appointments:

L.S.S.

R.M.R.

Applications:

J.C.R.

J.L.R.

K.L.B.

B.A.A.

K.M.R.

P.J.C.

Discussion Cases:

VET130012

VET130022

VET130023

VET130029

VET130032

Investigative Committee Report

VET130018

VET130018

VET120086

VET130002

VET130015

VET130031

Attorney General's Report –Ms. Amelia Baker

Provided Tanja Battle with a signed CO

Dr. Edsel Davis concluded Executive Session, in which no votes were taken, and declared Open Session.

OPEN SESSION

VOTES:

Dr. Malphus made a motion, Dr. Bohn seconded and the Board voted unanimously on the following recommendations based on deliberation in Executive Session:

Appointments:

L.S.S.-Approve with Private Standard Impairment Order

R.M.R.-Approve

Applications:

1. J.C.R.-Approve
2. J.L.R.-Approve with \$500 Fine and Probation until the FL sanctions are clear
3. K.L.B.-Approve
4. B.A.A.-Needs to sit for Exam before application is considered
5. K.M.R.-Approve
6. P.J.C.-Deny; Not exempt; Must complete CE Courses to renew license

Dr. Corry made a motion, Dr. Malphus seconded and the Board voted unanimously on the following recommendations made based on deliberations in Executive Session:

Discussion Cases:

VET130012-Close with LOC

VET130022-Close with LOC

VET130023-Peer Review

VET130029-Peer Review

VET130032-OMPE by Board Approved Facility

Investigative Interviews

VET130018-Close with no action

VET130018-Close with no action

VET120086-Close with no action

VET130002-No Show-Reschedule for Interview

VET130011-Request additional information

VET130015-Peer Review

With no further business, the meeting was adjourned.

The next Veterinary Board meeting will be on Wednesday, February 27, 2013 at 9:30am at the Office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.